IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4126 OF 2004

Arjun Baburao Vidhate Petitioner

versus

C.U.Shah Educational Foundation
and others Respondents

Mr.Dilip Bodake, adv. for petitioner.

Mr.A.G.Kothari, adv. for R.1 and 2.

Mr.V.P.Malvankar, AGP for R.3 and 4.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, J.

DATE : 9th December 2004

PC :

1. Heard advocates.

2. Petitioner is a Teacher in Green Lawns High School conducted by first respondent institution. By this petition the petitioner is seeking a declaration that the petitioner is entitled for senior pay scale and selection grade scale as per GRs dated 2nd September 1989, 1st February 1990 and 8th December 1995.

3. Green Lawns High School is ICSE school and is recognized by ICSE Board. Maharashtra Employees of Private Schools Act, 1977 and Maharashtra Employees of Private Schools Rules, 1981 (hereinafter referred to as "MEPS Act" and "MEPS Rules" for the sake of brevity) are not applicable to ICSE schools. Section 2(20) of the Act defines "Private School" to mean a recognized school established or administered by a Management other than the Government or a local authority. The expression "recognized" is defined to mean recognised by the Director, the Divisional Board or the State Board, or by any officer authorised by him or by any of such Boards. The petitioner school is not recognized by the Director or any of the Boards mentioned in Section 2(21) of the MEPS Act. We are informed that ICSE schools are not recognized by the State authorities and State merely issues NOC for starting such schools.

4. In the above circumstances, the petitioner is not entitled to claim senior scale or selection grade scale as per various GRs mentioned above.

5. Mr.Kothari appearing for the Management

informed the Court that school is paying salary to the teachers which is comparable with 5th pay commission pay scales.

6. In our opinion, no relief can be granted to the petitioner in exercise of power under Article 226 of Constitution of India. Petition is dismissed.

(A.P.SHAH, J.)

(S.C.DHARMADHIKARI, J.)